App. F. IX-4

1928-29 (Land)

File No. 122-28

Serial Nos. 1

Previous References

Land 285-27/4-9
" dep 2807-28.

Later References

Land dep 3-29/1.
Land-20-29-1-15.

General and Revenue Secretariat.

Serial Nos. 1

Part B for May 1929.

SUBJECT

Civil - Re. Bhahmadevan-inam lands in Ko..
Kandaji Agrahar, Taluk Sirsi. Introd. - Relating
to Introduction of Sri Bhagatdar & Kanoy

GENERAL AND REVENUE SECRETARIAT.

(muzrai)

NOTES.

File No.

FILE HEADING.

Notice of a Threatened Suit re Brahmadaya lands in Jodi Kondajji Agrahar, Hubbi Taluk belonging to Jurumekere Sri Bytaraya Swamy—

C. Partha Sarathi, Advocate

No. Notice. Dated 15.8.29 Received

Diary No.	Enclos.	Spare Copies.	Serial No.
1369			

BRIEF ABSTRACT OF LETTER.

States that if within 2 months from the date of the receipt of the said notice, the landed properties referred to be taken up for the benefit of the said institution be not restored to his client Venkatesiah, he will file suits both for declaration and for damages. and pray

The sole point for consideration is whether the lands in question belong to the petitioner as claimed in the notice or to the as decided by Govt (Flag D) in Mur Dy 27-28. The title of the temple seems to be based upon a document of 1044 refd in the 1st members minute (Flag E) - Perhaps the threatened suit may be awaited

Papers filed

DRP

7.1.29

C. Parthasarathy, B.A., B.L.,

Advocate.

Chambers:
2/111, Balepet,
Bangalore City,
15th May 1929.

Revenue 402 - 28 - 1

REV. & REV. SECRETARIAT
16 MAY 1929
MUZRAI
19 · 17[illegible]9

To

The Secretary to the Government
of His Highness the Maharaja
of Mysore, Bangalore.

Sir,

Regarding the Lands in Kondajji Jod Gubbi Taluk, in Appeal No.2 of 1927-28 before the Government of His Highness the Maharaja of Mysore.

_@_@_

Under instructions from my client Mr. - Venkatesaiya bin Gopalasastry, I am directed to give you notice, which I hereby do, as follows:-

1. That the description of my client is Venkatesaiya bin Gopala Sastry, 35 years, Jodidar, Kondajji, Gubbi Taluk.

2. That he had appealed to the Government against the orders of the Sub-Division - Officer, Deputy Commissioner and Revenue Commissioner's decisions, regarding the order securing the 4 pattes of land of Kondajji, Gubbi - Taluk, for the use of Byataraya Swamy Temple, - Turuvekere, which has been dismissed though - sound grounds had been urged.

3. That the lands in question belong to the petitioner and are his exclusive property; that they belong to him alone and that

they do not belong to the temple or to the Muzrai Department; that they are in possession of our client and his ancestors for the last 200 years and more in peaceful uninterrupted possession claimed as his own; that neither the Temple nor the Muzrai - Department ever claimed the land as their - own at any time, nor exercised any ostensible right as such as against this property; that the temple or the Muzrai Department have no manner of right either to the possession or to the collection of tax of the property - much less having the right to pray to the enhancement of the tax at the hands of the - Muzrai Department; that such movement has been enginee red at the instance of parties with Zid; that none of them have any right whatever; that the Dharmadarsies and others who set up an alleged sale from one Thimmappa Setty to the Sthanika of the Temple or that it was gifted to the Temple by the Jodidars or that they have a legal right to collect from the lands tax or rent, or Guttige as such have totally failed to prove their case by not producing any documents to prove it; have - failed to adduce any evidence and have failed to prove that they were collecting rent or tax as such, though the burden is upon them to do so; and as such, the order on such evidence is not tenable; that as the property is exclusively our client's and the Muzrai Department has no right to resume it or put it up for -

auction

auction and as such all the proceedings are ab initio void and illegal and as the Government has not considered this aspect of the case at all and passed orders on presumption and surmises and not on legal evidence, the order is liable to be set aside by the Judgment of the ordinary tribunals; and as the Muzrai Department has no rights over the said lands, they have no right to force our client to pay Rs.485/- or for that matter any amount at all and the whole procedure adopted being illegal and void and as our client is not liable to pay rent or tax to any Muzrai Institution for the possession of such land, the order of the Amildars on behalf of the Government by putting the lands to auction is illegal and opposed to the common Law and - statutory rights; that the Dharmadarsies and the Muzrai Department have neither proved their right nor discharged the burden of proving their rights as against the full rights of our client - both possessory and titular - and as such, have no right to collect any tax, much less the alleged arrears of Rs.485/- and odd as computed by the Amildar at his whim and fancy and as such Government have no right to disturb our client's possession of land in the ordinary course.

4. I hereby give you notice that if the Government be not pleased to cancel their present order (1) of resumption of the said land, (2) of putting it to auction year after year, (3) of dispossessing our client, (4) of forcing our client to pay Rs.485/- and odd, (5) of taking the lands

for the use of Byataraya Swami Temple, and pass orders (1) recognising our client's - right to the said land and (2) dismiss the Temple's petition for collection of taxes, within 2 months from the date of the receipt of this notice, "stop proceedings to collect 4864-10 A.R." together with such other relief as our client is entitled to, I am instructed to file suits, both for declaration and for damages, and that you will be responsible for all costs and damages incidental thereon.

I remain, Sir,
Yours faithfully,

C. Parthasarathy
Advocate.
15/6/29.

I also request that you will be kind enough to ask the auctioneer not to proceed with the auction etc as per orders of the Revenue Commissioner pending disposal of this Notice and Suit as otherwise it will involve great hardship and damages.